

UNITED STATES OF AMERICA,

- V. -

PAUL M. DAUGERDAS,

Defendant.

ELEANOR DAUGERDAS,
PMD INVESTMENTS LLC, and
WBLG WALWORTH LLC,

Petitioners.

PLEASE TAKE NOTICE that Petitioners Eleanor Daugerdas, PMD Investments LLC and WBLG Walworth LLC, based on the Declaration of their attorney, James R. DeVita, Esq., dated April 29, 2021 and the exhibits thereto, and the accompanying memorandum of law, and the prior proceedings in this case, hereby move this Court for an order imposing sanctions on the United States of America pursuant to Rule 37(b)(2)(A) and (C), Federal Rules of Civil Procedure, and the Court's inherent power to manage its own affairs, for its failure to produce documents as required by an Order of this Court dated July 26, 2018 (Docket No. 935), and its failure to preserve documents within its custody and control, such sanctions to include:

1. An order pursuant to Rule 37(b)(2)(A)(i) directing that the matters embraced in the Court's order of July 26, 2018 and other designated facts be taken as established for purposes of this proceeding, as Petitioners claim;
2. An order pursuant to Rule 37(b)(2)(A)(ii) prohibiting the government from opposing Petitioners' designated claims or from introducing designated matters in evidence;

3. An order pursuant to Rule 37(b)(2)(A)(iv) staying further proceedings pending resolution of this motion and ordering discovery of the government with respect to the issues raised by it;

4. An order pursuant to Rule 37(b)(2)(A)(vi) rendering a default judgment against the government;

5. An order pursuant to the Court's inherent power presuming or inferring that the lost Jenkins & Gilchrist bank records contained evidence unfavorable to the government;

6. An order pursuant to Rule 37(b)(2)(C) and the Court's inherent power ordering the government to pay Petitioners' expenses, including reasonable attorney's fees, caused by the government's violation of the Court's July 26, 2018 Order and its failure to preserve evidence;

7. An order pursuant to Rule 37(b)(2)(A) and the Court's inherent power vacating, in whole or in part, the Court's preliminary order of forfeiture; and

An order granting such other and further relief to which Petitioners may be entitled.

Dated: White Plains, New York
April 30, 2021

s/ James R. DeVita
James R. DeVita (JRD 5659)
LAW OFFICES OF JAMES R. DeVITA, PLLC
81 Main St., Suite 504
White Plains, New York 10601

Of Counsel:
Ronald E. DePetrìs
P.O. Box 6034
Southampton, New York 11969
(631) 283-8652